

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PIO AUGUSTINO FAGAAUTAU,

Petitioner(s),

v.

JASON BENNETT,

Respondent(s).

CASE NO. C24-05751-KKE

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of U.S. Magistrate Judge Grady J. Leupold (Dkt. No. 4), the remaining record, and having not received any objections,¹ does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation (Dkt. No. 4);

(2) Petitioner's *habeas corpus* petition is DENIED as moot;

(3) Petitioner's action is DISMISSED without prejudice;

(4) The certificate of appealability is denied; and

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¹ On September 19, 2024, Petitioner filed five documents styled variously as motions for judicial notice, motions related to the record and a notice of supplemental authority. *See* Dkt. Nos. 5–9. The Court reviewed these filings in considering the Report and Recommendation. However, these documents do not substantively respond or object to Judge Leupold's legal conclusions regarding the timeliness of Petitioner's action or duplicative habeas petitions. Dkt. No. 4 at 2–3. The Court has nonetheless considered Petitioner's filings and concludes that to the extent these documents are intended to be objections to the Report and Recommendation, such objections do not identify any errors in the Report and Recommendation and thus are overruled.

1 (5) The Clerk is directed to send copies of this Order and corresponding Judgment to
2 Petitioner and Judge Grady J. Leupold.

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4 Dated this 27th day of September, 2024.

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7 Kimberly K. Evanson
8 United States District Judge
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